



COMMONWEALTH of VIRGINIA  
*Department of Planning and Budget*

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**GOVERNOR'S CONFIDENTIAL WORKING PAPERS**

February 23, 2007

**DPB PRELIMINARY DETERMINATION MEMORANDUM (FAST-TRACK)**

TO: The Honorable Timothy M. Kaine

THROUGH: The Honorable Patrick O. Gottschalk

FROM: Richard D. Brown

SUBJECT: Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations (Department of Professional and Occupational Regulation, 18 VAC 10-20, 2162/3809)

**Summary:** The Director of the Department of Professional and Occupational Regulation (DPOR) and the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (board) wish to publish amendments to clarify the current regulation to prohibit mail-order life-experience degrees from engineer-in-training and professional engineer applicants.

**Background:** Sections 54.1-201, 411.C and 404 of the Code of Virginia (Code) give authority to the board to promulgate necessary regulations. The board is mandated to establish regulations and maintain the regulatory language. The Office of the Attorney General has certified the agency's authority to promulgate this regulation.

The amendment adds a subsection to the regulations to clarify the intent of the board in granting engineer-in-training and professional engineer applicant licenses. For the first time, an applicant recently approached the board to request a license based on life experience and mail order courses, without a degree from an accredited college or university. The board granted the license.

The 13-member board, made up of a variety of professions, subsequently reviewed the regulations. The board concluded it was never the intent of the current regulation to approve licenses based on life experience and mail order courses without an approved degree. Other similar licensing regulations, in particular those of the Real Estate Board, were reviewed to

provide guidance in writing the language. The decision was made with the safety of the Commonwealth residents in mind.

The board does not anticipate any objection to this proposed change, as it benefits the public. It therefore proposes to make this change using the fast-track rulemaking process.

The proposed change in regulatory language may have an impact on mail order education businesses, but the number and consequence is not measurable at this time. DPOR was unable to estimate the number of possible applicants the regulation might affect. A discussion of the anticipated economic effects of this regulation can be found in the economic impact analysis prepared by the Department of Planning and Budget. This package meets the submission requirements of Executive Order 36 (2006).

**Recommendation:** The Department of Planning and Budget recommends that the agency be authorized to submit the proposed fast-track regulation to the Registrar for publication.